IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FIFTEENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 8140 of 2005

Between:

D.Jaya Srinivas, S/o.D.Adi Seshaiah,
R/o.H.No.1-7-69, Chaitanyapuri, Ranga Reddy District.

..... PETITIONER

AND

1 Govt. of A.P., rep.by its District Collector,

Ranga Reddy District.
2 The Mandal Revenue officer, Uppal Mandal,

Ranga Reddy District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction, more particularly one in the nature of writ of Mandamus declaring the action of the 2nd respondent in demolishing the structures erected over his property, without adopting due process of law, even before any valid orders could be passed in proceedings No.B/14928/2004 dated 17-1-2005 purported to have been issued under section 7 of the Andhra Pradesh Land Encroachment Act, as being illegal, arbitrary and ultra vires the powers of the 2nd respondent under Act 3 of 1905, apart from being violative of Articles 14 and 300-A of Constitution of India, the principles of Natural Justice, as well as the catena of pronouncements of this Hon'ble court and the Apex Court.

Counsel for the Petitioner: MR.D.SESHADRI NAIDU

Counsel for the Respondents: GP FOR REVENUE

This Court at the stage of admission made the following:

ORDER:

This writ petition is filed seeking a writ of Mandamus declaring the action of the respondents in seeking to demolish the structures erected by the petitioner over his property i.e., the house bearing No.1-7-154 (Old No.1-7-57/2) on plot No.129, situated at Chaitanyapuri, Kothapet Village, L.B.Nagar Municipality, R.R.District as illegal and arbitrary.

The petitioner states that though the respondents issued a notice under Section-7 of the A.P. Land Encroachment Act (for short 'the Act') calling upon him to show cause as to why the structures in question should not be removed and the petitioner shall not be evicted, they have not passed any final orders so far, as required under Section-6 of the Act. It is stated that the petitioner has already submitted an explanation, but without passing any final orders, the respondents are taking steps to dispossess the petitioner high handedly. Hence, this writ petition.

The learned Government Pleader for Revenue appearing for the respondents, under instructions, states that the respondents have not yet passed any final orders under Section-6 of the Act and till such orders are passed, the petitioner will not be dispossessed from the land in question.

Recording, the statement of the learned Government Pleader, the writ petition is disposed of making it clear that till such final order is passed under Section-6 of the Act, and the same is communicated to the petitioner, the petitioner shall not be dispossessed from the

premises in question. No order as to costs.

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G.ROHINI, J

15.04.2005

DR

To

1 The District Collector, Govt. of A.P.,

Ranga Reddy District.

2 The Mandal Revenue officer, Uppal Mandal,

Ranga Reddy District.

3 2 CCs to Government Pleader for Revenue,

High Court Buildings, Hyderabad. (OUT)

4 2 CD copies